

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

FRANKLIN EUGENE STAULCUP  
a/k/a GENE STAULCUP

Plaintiff

Vs.

CHARLES SCHWAB & CO., INC. and  
DANIEL ROBERT RADFORD,

Defendants

CV124-179

CIVIL ACTION FILE NO. \_\_\_\_\_

**COMPLAINT FOR INTERPLEADER, IN THE NATURE OF INTERPLEADER,  
AND FOR DECLARATORY JUDGMENT**

Plaintiff Franklin Eugene Staulcup, also known as Gene Staulcup (hereinafter “Staulcup”) files this Complaint for Interpleader, in the Nature of Interpleader, and for Declaratory Judgment against Defendants Charles Schwab & Co., Inc. (hereinafter “Schwab”) and Daniel Robert Radford (hereinafter “Radford”) and shows:

**I. Parties, Jurisdiction and Venue**

1. That Plaintiff is a resident of Richmond County, Georgia residing at 209 Avondale Drive, Augusta, Richmond County, Georgia and is the beneficiary of a certain account now held by Schwab which account was established by Staulcup’s first cousin, the late Marsha Jean Radford.

2. That Schwab has had transferred to it a certain TD Ameritrade Account ##2756 established by the late Marsha Jean Radford. Based upon information and belief, this account was established electronically and not with any specific broker.

3. That Schwab is a California corporation with its principal place of business being located at 3000 Schwab Way, Westlake, Texas, 76262, and complete diversity of citizenship exists between Plaintiff Staulcup and Defendant Schwab.

4. That Radford is a resident of 1011 Tamarac Drive, North Augusta, South Carolina, 29841, is the half-brother of the late Martha Jean Radford, and complete diversity of citizen ship exists between Plaintiff Staulcup and Defendant Radford.

5. That the amount in controversy in this action is approximately \$472,000.00, which exceeds the sum of \$75,000.00, exclusive of interest and costs.

6. That the matter in controversy involves the declaration of rights, duties and obligations under a certain beneficiary designation signed by the late Marsha Jean Radford (hereinafter "Decedent") approximately seventeen (17) months prior to her death on March 20, 2023.

7. That this is an equitable interpleader action being brought under Rule 22 of the Federal Rules of Civil Procedure and this Court has jurisdiction over this interpleader action.

8. That this Court is vested with jurisdiction of this declaratory judgment action pursuant to 28 U.S.C §1332 and §2201.

9. That venue lies in this Court pursuant to 28 U.S.C. §§ 1397 and 1391.

### **Facts**

1. That during her life the late Marsha Jean Radford traded in securities electronically.
2. That Decedent Radford during her life designated her first cousin, Plaintiff Staulcup, as beneficiary of her TD Ameritrade account.
3. That Decedent Radford lived independently in Clarke County, Nevada and departed this life there on March 20, 2023.
4. That after Decedent's death, Radford became the Personal Representative of Decedent's estate.
5. That subsequent thereto, Radford made inquiries and determined that there was a TD Ameritrade Account naming Staulcup as Beneficiary.
6. That Radford has brought an action in the District Court of Clark County, Nevada, being known as Case No. P-23-116086-E, and has had a Citation to Appear issued for a hearing on October 11, 2024 on a Petition to Invalidate Beneficiary Designation based upon the Decedent's health issues, all as shown by Exhibit "A" attached hereto.
7. That Staulcup is not subject to the jurisdiction of the Courts in Clark County, Nevada; has not transacted any business in Clark County, Nevada; and not performed any act to submit himself to the jurisdiction of the State Courts of Clark County, Nevada; and it would be a denial of his due process rights to invalidate his being the beneficiary of an account created by the Decedent by any State Court in Nevada.

8. That Schwab is the holder of the TD Ameritrade Account at issue, as shown by Exhibit "B" attached hereto, and is the holder of the funds in the account which are believed to be in the amount of \$472,000.00.

9. That Staulcup has notified Schwab that the funds held by it should be interpled in the United States District Court for the Southern District of Georgia by letter sent via facsimile on October 4, 2024, as shown by Exhibit "C" attached hereto.

10. That on Monday, October 7, 2024, Plaintiff's counsel again faxed a letter to Schwab demanding that the funds in the account with a value of approximately \$472,000.00 be interpled in the United States District Court for the Southern District of Georgia, as shown by Exhibit "D" attached hereto.

11. That in an effort to contact the Schwab legal department, Plaintiff's attorney also sent notification via e-mail on October 7, 2024 at 3:39 p.m., as shown by Exhibit "E".

12. That Staulcup has received no response from Schwab and is fearful that his rights will be divested by the actions of Radford in the State of Nevada, all as shown by Exhibit "A".

13. That each of the parties in their various capacities have an interest in and may be entitled to receive some or all of the funds being held by Schwab, that Schwab should be required to interplead all funds in the name of the late Marsha Jean Radford into the Registry of this Court, and Staulcup and Radford should each then be required to make their claim to these funds.

14. That Schwab should be required to interplead the funds held by it which are believed to be approximately \$470,000.00 into the Registry of this Court, and upon the payment

of said sum into this Court should be discharged from any liability in connection with this controversy.

### **Count I - INTERPLEADER**

1. That Staulcup is entitled to a determination of his rights in the nature of interpleader as to the issues, controversies, and sums that are the subject of this interpleader action by way of future order or judgment of the Court.

### **Count II – DECLARATORY JUDGMENT**

1. That Staulcup realleges the allegations set forth in paragraph 1 of Count I of Plaintiff's complaint.

2. That an actual justifiable controversy has arisen and exists between and among the parties to this proceeding under 28 U.S.C. §§2201 and 2202.

3. That Staulcup is entitled to a declaration of the rights, duties and obligations of the parties as to the issues, controversies, and sums that are subject to this complaint for interpleader and in the nature of interpleader.

WHEREFORE, Plaintiff Staulcup demands:

A. That the Court issue process for all defendants pursuant to 28 U.S.C. §2361;

B. That the Court issue its order pursuant to 28 U.S.C. §2361 temporarily and preliminarily restraining Defendant Schwab from paying any of the funds in the account of the Decedent to Radford, individually or as Administrator of the Estate of the late Marsha Jean Radford, or from prosecuting any proceeding in any State or a United States Court affecting the

brokerage account involved in this action or the issues involved in this interpleader action until further order of this Court;

C. That the Court issue its order providing for the orderly contest of the issues in controversy herein;

D. That the Court issue an order requiring Defendant Schwab to deposit into the Register of this Court all funds held in the account of the late Marsha Jean Radford; and that Plaintiff and Defendant Radford be required to make their respective claims to said funds; and

E. That the Court issue a temporary restraining order, preliminary injunction, and permanent injunction against Defendant Daniel R. Radford from proceeding with any proceeding in any State court to invalidate the beneficiary designation of the late Marsha Jean Radford; and that the Court enjoin Defendant Schwab from paying any funds to any claimant and that Schwab the required to pay all such funds into the Registry of this Court.

This 9<sup>th</sup> day of October, 2024.

/s/John B. Long

JOHN B. LONG, ESQ.

Georgia State Bar No. 457200

Attorney for Plaintiff

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FRANKLIN EUGENE STAULCUP  
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Plaintiff

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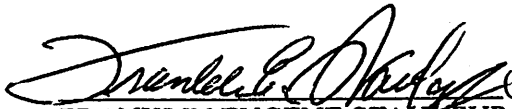
Defendants

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VERIFICATION

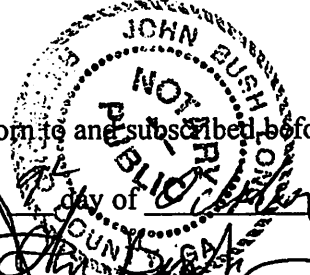
Personally appeared before the undersigned attesting authority, duly authorized to administer oaths, FRANKLIN EUGENE STAULCUP, f/k/a GENE STAULCUP, who after first being duly sworn, states that he has read the within and foregoing COMPLAINT and the statements contained therein are true and correct.

This 9<sup>th</sup> day of October, 2024.

 (L.S.)  
FRANKLIN EUGENE STAULCUP,  
f/k/a GENE STAULCUP

Sworn to and subscribed before me,

this 9<sup>th</sup> day of October, 2024.

  
NOTARY PUBLIC, Pickens COUNTY,  
STATE OF GEORGIA

Exp: 3-9-26